

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 25, 2005

DIVISION ONE

B169059 People
 v.
 Stevie B. Jackson

Filed order denying petition for rehearing.

B176460 Paul A. Kingstom et al.
 v.
 Malcolm G. Ellis

Filed order denying petition for rehearing.

B177738 Darlene Johnson
 v.
 Marshall Reddick

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B178495 People
 v.
 Donald E. Hart

Filed order denying petition for rehearing.

DIVISION TWO

B178738 In re Iris R.
 Los Angeles County, D.C.S.
 v.
 Rosa R.

Filed order modifying opinion and certifying opinion for publication (No change in the judgment).

DIVISION THREE

B176118 Lisa R. Winter (Not for Publication)
 v.
 Santa Monica Family YMCA and Andrea M. Herath

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B173242 People (Not for Publication)
 v.
 Frank Bonifacio Estrada

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

July 25, 2005 (Continued)

DIVISION FIVE

B174562 People (Not for Publication)
v.
Willie Stephens

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B177965 Tracy Delaney (Not for Publication)
v.
Paul Delaney

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SIX

B179810 People (Not for Publication)
v.
Salas

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

July 25, 2005 (Continued)

DIVISION SIX (Continued)

B179734 People (Not for Publication)
v.
Carmichael

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B178942 Sulphur Mt. Land & Livestock Co. et al. (Not for Publication)
v.
Knapp, Petersen and Clarke, et al.

The postjudgment order denying KPC's motion to tax respondents' costs is reversed with regard to items 8 (expert witness fees) and 11 (models, blowups and photocopies of exhibits) in Sulphur and Malibu's memorandum of costs. The order is otherwise affirmed. The postjudgment orders granting Sulphur and Malibu's motion for attorney fees, denying KPC's motion for attorney fees, and granting Sulphur and Malibu's motion to tax KPC's costs, are affirmed. Each party shall bear their own costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B179639 People (Not for Publication)
v.
Alonso

The judgment (order denying motion to suppress evidence) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B174958 People (Not for Publication)
v.
Wheatley

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B174493 People (Not for Publication)
v.
Espinoza

Appellant's sentence is modified to delete the 10-year gang enhancement imposed under Penal Code section 186.22, subdivision (b)(1)(C). The clerk of the superior court is directed to prepare a modified abstract of judgment and to forward it to the department of corrections. As so modified, the judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B174887 People (Not for Publication)
v.
Seymour

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (Continued)

B170644 Union of American Physicians (Certified for Publication)
 v.
 Los Angeles County Employee Relations

The order underlying UAPD's petition for writ of administrative mandate as to case 23.17 is reversed and the cause remanded to the superior court with instructions it is to grant the administrative mandate and direct respondents to reinstate all those who are or were members of appellant's employee organization retroactive to July 1, 2001, or such later date as their participation may have been terminated or denied and to make them whole for the benefits which attend or would have attended full participation in the Flex and Megaflex program they choose for the period they were denied such participation. The trial court's denial of appellant's petition in case 23.19 is affirmed. Appellant to receive its costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B162636 People v. Mendoza, et al. (Not for Publication)
B173722 In re Contreras on Habeas Corpus

Contreras's petition for a writ of habeas corpus is granted and the cause is remanded to the superior court with directions to set aside the judgment of conviction and to grant Contreras a new trial on all issues. Contreras's appeal is dismissed as moot. The judgment against Rivas is reversed. The judgment against Mendoza is affirmed as modified to give him custody credit of 392 days. The superior court is directed to amend the abstract of judgment to reflect the modification and to send a copy of the amended abstract to the Department of Corrections.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION SEVEN (Continued)

B167017 General Casualty Insurance and (Certified for Publication)
 Regent Insurance

v.

W.C.A.B. (California Insurance Guarantee Assn.)

B167540 American Home Assurance Company

v.

W.C.A.B. (California Insurance Guarantee Assn.)

B167541 RemedyTemp, Inc.

v.

W.C.A.B. (California Insurance Guarantee Assn.)

B167542 Jacuzzi Incorporated

v.

W.C.A.B. (California Insurance Guarantee Assn.)

The Assurance policy does not provide workers' compensation insurance coverage for special employees such as Miceli, and is not other available insurance within the meaning of Ins. Code section 1063.1, subdivision (c)(9). The dismissal of CIGA by the WCAB is reversed, and the matter is remanded for further proceedings consistent with this opinion.

Woods, J.

We concur: Perluss, P.J.
 Johnson, J.

B179266 Becerrada (Certified for Publication)

v.

Superior Court, Los Angeles County
(Los Angeles County Sheriff's Department, r.p.i.)

Petition denied by opinion.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

July 25, 2005 (Continued)

DIVISION EIGHT

B179704 People (Not for Publication)
v.
Hamza J.,
In re Hamza J., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.